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2
3 UNITED STATES DISTRICT COURT

4 FOR THE NORTHERN DISTRICT OF CALIFORNIA

5 OAKLAND DIVISION

6
7 UNITED STATES OF AMERICA,

Case No: CR 13-00088 SBA

8 Plaintiff,

9
10 **ORDER ACCEPTING REPORT
11 AND RECOMMENDATION
12 REGARDING GUILTY PLEA**

vs.

13 TONY D. LOMBARDI,

Docket 18

14 Defendant.

15 On May 21, 2013, the Court referred this matter to Magistrate Judge Westmore ("the
16 magistrate") for a report and recommendation on the acceptance of Defendant's guilty plea.
17 Dkt. 16. On May 28, 2013, the Defendant appeared before the magistrate and, with the
18 assistance of counsel, waived his right to enter a guilty plea before a district judge and
19 instead consented to enter his plea in a hearing before the magistrate. See Dkt. 18. The
20 magistrate conducted a full hearing in the manner set forth in Federal Rule of Criminal
21 Procedure 11. Id. After the advisements set forth in Rule 11, the Defendant entered a
22 guilty plea in open court. Specifically, the Defendant pled guilty pursuant to a written plea
23 agreement to Count One of the Information charging Defendant with Contempt of Court in
24 violation of 18 U.S.C. § 401(3). Id. The magistrate found that Defendant was fully
25 competent and capable of entering an informed plea, that he was aware of the nature of the
26 charges and the consequences of the guilty plea, and that the guilty plea was knowing and
27 voluntary and supported by an independent factual basis. Id.

28 On May 28, 2013, the magistrate issued a Report and Recommendation Regarding
Guilty Plea in which she recommends that this Court accept Defendant's guilty plea. Dkt.

1 18. The Report and Recommendation advises the parties that they may serve and file
2 specific written objections to the order within fourteen days after being served with a copy
3 of the order. Id. No written objections to the Report and Recommendation were filed prior
4 to the hearing. At the July 11, 2013 sentencing hearing in this matter, the parties indicated
5 that they have no objections to the Report and Recommendation. Accordingly,

6 IT IS HEREBY ORDERED THAT the magistrate's Report and Recommendation
7 (Dkt. 18) is ACCEPTED, the Defendant's guilty plea is accepted, and the magistrate's
8 Report and Recommendation shall become the order of this Court.

9 IT IS SO ORDERED.

10 Dated: 7/22/13



SAUNDRA BROWN ARMSTRONG
United States District Judge

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